A REPLY

TO CERTAIN PERSONAL REFLECTIONS, CONTAINED IN THE SPEECH OF ONE OF THE COUNSEL FOR THE COMPLAINANTS, IN THE CASE OF

CHRIST CHURCH

vs.

THE CHURCH OF THE HOLY COMMUNION,

BY

The Rev. G. WOOLSEY HODGE,
ADMIRAL FAIRFAX,
Mr. J. EDW. CARPENTER.

PHILADELPHIA, AUGUST, 1880.

A REPLY

TO CERTAIN PERSONAL REFLECTIONS, CONTAINED IN THE SPEECH OF ONE OF THE COUNSEL FOR THE COMPLAINANTS, IN THE CASE OF CHRIST CHURCH *vs.* THE CHURCH OF THE HOLY COMMUNION.

The undersigned, the Rector and Wardens of the Church of the Holy Communion, feel themselves obliged in self defence to reply to certain personal reflections, which have been cast upon them in the speech of one of the counsel for the complainants, in the recent case of Christ Church against the Church of the Holy Communion, which has been printed, together with other matter referring to the case, in pamphlet form.

In regard to the legal aspect of the matter they will say nothing. The defendants were guided in *all* their actions by the highest legal advice. They were informed, and believed, that they had the legal title to the property in question, and the right to make every step which they took. The question, however, having been carried to the court, and the court having decided adversely to their claim, they submitted at once to its decision. They abandoned the property which had been almost entirely paid for, and supported by their individual efforts and contributions; they saw the work in which they had been engaged for six years utterly broken up and destroyed, the happy and united congregation robbed and

scattered; and all on the interpretation of a legal document, which seems to them unnatural and forced, and which violates the declared intention and desire of the founders of the Chapel. But the court has adopted that interpretation, and it is humbly submitted to, however great may be the injury and wrong that results from it.

It is not proposed, therefore, to enter into any further discussion of the legal questions involved in the speeches in the pamphlet referred to. But there are other injuries which that pamphlet is calculated to inflict, which have no necessary connection with the legal aspects of the case, and which cannot be suffered to be passed over in silence. There is, after all, nothing more valuable to a man than his personal honor and integrity, and a portion of this pamphlet, contains a most uncalled for and unjustifiable personal attack upon each of the undersigned, and they feel that they owe it to themselves to resent, and disprove, its assertions.

It is certainly a question how far it is compatible with the highest standard of professional honor and etiquette, for a lawyer at the bar to attempt, in order to gain a case, to tear in pieces the personal character, and injure the professional reputation of his opponents, especially of those who have certainly never injured him by word or deed. If such personal attacks are to be shielded by the license allowed a counsellor, great personal injury may be done, and the unhappy victims can have but little redress. A cause, however, which requires such methods for its defence, is generally regarded as rather desperate, and the lawyer who descends to employ them, can hardly acquire the most enviable reputation. But whatever excuses may be made for methods resorted to in a court room, or for expressions used in an apparently extemporary address, will hardly apply to the deliberate printing of such things in pamphlet form presumably for general distribution, after the decision of the court has been given and the case has been won. Other motives must have prompted such action, and the injury that is calculated to ensue from it, is likely to be much more permanent and extensive. If the complainants in this case had stopped, even with the personal attack and reflections made upon the undersigned in open court, no notice would have been taken of them, it is only when they proceed to print and disseminate the same to the world, that those assailed feel that they must speak in their defence.

If any comparison is to be instituted in regard to the honor, truthfulness, consistency, justice, and kindliness of dealing, and motive, on the part of the chief actors in this case, on the respective sides, the defendants are willing to submit to the fullest investigation of particulars, and the severest tests that can be applied. The reason which has prevented them from calling in question the honor or purity of motive in their opponents, has been their desire to avoid the scandal of such questions being publicly broached between brother clergymen, and fellow members of a common religious organization. And even now, though assailed as they have been, they confine themselves to speaking in their own defence.

Shortly before this case was heard in court, the counsel for the complainants, to whose speech exception is taken, met one of the undersigned and *called his attention to the fact of how entirely all personal reflections, had been avoided in the complainants' bill in equity, and expressed the intention of the complainants to exclude all personalities from the case.* The course was highly approved of, and in reply, the assurance was given that it would be as steadily followed by the defendants; and this promise was rigidly adhered to. In none of the affidavits, or the brief, or the speeches of the counsel for the

defendants, was there the slightest reflection upon the personal honor or integrity of any of the complainants, though there was ample opportunity and provocation had there been any desire to make such.

The opening counsel for the complainants confined his argument to the legal aspect of the case. It was not until the final speech was reached, to which, under the rules of court, no reply could be made, that a violent *ad hominem* appeal was resorted to, on the two inflammatory catch words, "secession" and "confession," and in which the personal abuse referred to was indulged in; and this speech is now printed verbatim and given to the world. However effective such court tricks may be, they were hardly such as are looked for from gentlemen of the standing to which the complainants' counsel lay claim, or are usually regarded as honorable.

"SECESSION."

The first general aspersion which is made upon the undersigned in the speech of Mr. Rawle is, that they were the planners and leaders in an illegal, unrighteous and dishonorable "secession" of the Chapel from Christ Church, which they attempt to justify by affidavits, which on the part of Mr Hodge can only be excused on the ground of his "being a clergyman," and so much "thinking of things eternal," as "not nicely to scan or regard apparent contradictions," though he is still compared to Benedict Arnold, and St. Peter denying his Lord. He is accused of "faithlessness and disobedience to his Bishop," and represented as having deliberately violated his promise and agreement the next day after it was made, and of having "every element of his moral being, utterly twisted and perverted."

Mr. Carpenter is accused of having done that which, *if* his sworn words are *true*, "presents a case of incredible ignorance, insanity, or blackness of treachery." It is insinuated that he "artfully" drew a deed with the express purpose of deceiving, and so was guilty of "the vilest trick that ever was perpetrated upon innocent and unsuspecting people."

Commodore, now Admiral, Fairfax is told, that if he were to do "to a vessel of the navy, that which he did to the House of God, the result would be that he would be hung to the yard arm."

Now what is it that is designated by this opprobrious epithet of "secession," which conveys at once the idea of disloyalty, rebellion and treachery? What is the crime of which these gentlemen have been guilty, and what is their record and reputation, that their integrity and uprightness is to be assailed, every element of their moral being, represented as utterly twisted and perverted, the vilest treachery and acts deserving instantaneous capital punishment, attributed to them? Allowances are of course to be made for the speaker. He is a lawyer. Whatever language he may use, it is hardly fair to attribute to him personal interest and conviction. He is simply doing the best he can for his clients. He is like the free lance of old, ready to slay and destroy the foes of any who have sufficient money to secure his services. But even among free lances, there are codes of honor which cannot be infringed, and natural rights which cannot be disregarded, and we submit that in making use of the epithets, and imputations and insinuations of moral obliquity, and wrong, to which the counsel for the complainants has resorted, he has entirely transgressed the rules of honorable warfare, and sought to convey impressions, which none knows better than he, are utterly false and undeserved. We cannot attribute to *him* the

pretended extenuation he allows for the supposed conduct of one of the undersigned, viz., that of "intense religious feeling deepening into passion, twisting and contorting from their bearings all memory, all judgment, all reason, and every good and honest and kindly feeling." The only possible excuse that can be made for him, is that of ignorance and unfamilarity with his subject. He himself tells us he often gets up a bill "late at night," and he must certainly have prepared his speech on this occasion with equal haste, and his previous knowledge of ecclesiastical matters, and of Scripture itself as we shall show further on, must be of the most superficial character.

What is this act which Mr. Rawle represents as "secession?" Has Mr. Rawle studied the whole canon law in reference to the formation of new parishes, and the erection of Chapels into parishes, and the respective relationship and rights of Churches and Chapels, Rectors, and Perpetual Curates? Evidently not, else he would see that congregations of Chapels, especially when they are large and influential as those of the Churches with which they are connected, have some rights as well as Churches themselves, and that Rectors do not hold such supremely exalted, and pre-eminent positions, so far above all question and criticism, as to justify the comparison, which Mr. Rawle so flippantly and improperly makes, to the Founder of the Church himself.

Will Mr Rawle assert that there are *no* circumstances which can justify separations in the body politic, whether ecclesiastical or political? Will he stigmatise the American revolution as a "secession?" Admitted that this Chapel was "the daughter" of the Older Church. Has a daughter no rights? Does she deserve no consideration from those who claim to be her parents? How was this daughter treated? She was sent, or rather permitted to go, out from the father's house, to form

a new household for herself, without one particle of aid or countenance from that parent, except that she was allowed still to retain the paternal name; but with the pious wish on her part, that she might one day become strong enough to be of assistance to the parent. Not one stiver did she ever receive from the paternal treasury. None of the rights of children, even the most common and natural, were allowed to her rapidly increasing household. She did not complain. She did not ask for help. She was able to support herself. She was so trustful even, that she hoped to carry out her pious purpose without any guaranteed legal position in the common family, beyond what she supposed would have been unquestioned, the right of possession and control of the property she had herself acquired. But she *does* complain and think her natural rights have been invaded, when suddenly, after she had attained some importance, the hitherto utterly indifferent and neglectful parent suddenly comes in, and on the ground that she is not yet of age, or being a daughter, can only be regarded as "*the agent*" for the parent, and so all that she owns belongs to the parent, scatters and breaks up her household, and appropriating all her effects, casts her adrift and houseless again; this time, depriving her even of her name, and stigmatizing her as faithless and rebellious. Truly this daughter was not like "Goneril and Regan, the daughters of Lear," by comparing her to whom our versatile advocate seeks to blacken her fair fame, but rather like the unfortunate offspring of Medea, who were destroyed by their own mother. If any comparison of the kind is to be instituted, the defendants court investigation as to which party in this matter has acted in the most natural, just and kindly way, Mother Church, or Daughter Chapel.

But to abandon the metaphor by which it is sought to

disguise the true aspect of the case, what was the character and position of this Chapel, and where is there ground for these accusations of bad faith on the part of those connected with it? In February, 1874, a proposition of the Rev. Mr. Hodge to give up the charge of Calvary Church, together with the salary he was receiving, and undertake the formation of a new Chapel for Christ Church in the western part of the city, and to depend entirely for his support upon that congregation, if collected, was accepted by the Vestry of Christ Church, and a committee of the Vestry appointed to co-operate with him in the undertaking. But it was only *an undertaking*, it was a project, which might or might not be successfully accomplished. And lest Christ Church should be in any way committed to it, or should incur any responsibility in regard to it, it was expressly stipulated that no act of this committee, or of the Board of Management into which it was subsequently enlarged, should be binding on the Vestry unless specially confirmed by it, or should have power to involve the Church in any pecuniary liability. The understanding of all parties concerned at the time, was that these gentlemen should be allowed to undertake at their own risk, and on their own responsibility, the formation of a new congregation, "under the auspices" of Christ Church, *but having no legal or organic connection with it, until it should be brought into such a condition that it should be deemed expedient for the amalgamation to take place*, on such terms as might then be mutually agreed upon. That such was then the understanding, is evident from the following paper which was drawn up by Mr. William W. Wiltbank, one of the counsel for the complainants, but then a member of the chapel committee. The original is in his hand writing.

"We, the undersigned, hereby associate ourselves as members

of a Board of Trustees, to be enlarged if need be hereafter, constituted for the purpose of taking and holding real estate, and of erecting a Church edifice thereon, to be called Christ Church Chapel, and of granting and conveying the same to the Rector, Church Wardens and Vestrymen, of Christ Church in Philadelphia, at such time as such grant and conveyance may be found practicable *by the agreement of the said corporation and ourselves, or our successors, upon proper terms and conditions;* the said Chapel to be governed *by ourselves and our successors*, until such grant and conveyance shall have been duly consummated, according to rules to be hereafter adopted *by ourselves:* It being understood, that until otherwise provided, no action ofour body shall be binding, unless the same be by the authority of an unanimous vote of our whole number.

Done at the City of Philadelphia, this day of Anno Domini eighteen hundred and seventy-four."

This paper was drawn up in reference to the contemplated purchase of another lot for the Chapel than that finally selected. And was not executed, as the property was not purchased. But its having been drawn in 1874, the time of the original undertaking of the Chapel scheme, and its being in the handwriting of Mr. Wiltbank, is incontestable proof of the intention and understanding in regard to the position of the Chapel, of Mr. Wiltbank at the time; and such was the understanding of all interested. And the deed afterwards drawn by Mr. Carpenter and Mr. Lansdale for the property actually purchased, was intended to carry out the same idea, of the property being held subject to the control of the Chapel, until it should be conveyed to Christ Church upon terms to be agreed upon. It is the understanding which explains the existence of the

Board of Management, and of the special trust for holding the property.

If Christ Church was the real owner of the property, and this Chapel an actual component part of the parish and corporation as now pretended by the complainants, why should the property not have been invested directly in the corporation? Why should not rights as members of the congregation of Christ Church have been accorded to the attendants of the Chapel, *rights which were absolutely necessary to carrying out the intention for which the Chapel was to be formed, viz.: of being an aid to Christ Church, and affording material for the Vestry?*

Can it be supposed that any body of sane men should have been willing to have undertaken the labor, and given their money, and one of them to sacrifice his professional position and reputation, in such an undertaking, if they supposed they were to be entirely in the power, and under the control of a body, which admitted of no representation from the Chapel, only a few members of which had any interest in the scheme, while many were positively opposed to it? Mr. Rawle asserts that the defendants' witnesses say, that "it was never intended that the Chapel should be part and parcel of the Church, or ever at all within its control," and contrasting these words with certain expressions in the appeal made to the Bishop in regard to the ecclesiastical position of the Chapel in the Diocese, tragically exclaims, quoting Shylock, "Oh! Father Abraham what these Christians are," implying of course with Shylock, else his quotation is meaningless, that the Christians he is speaking of are liars and hypocrites. But unfortunately for the force of his kindly and charitable insinuation, the words cited by him and *placed in quotation marks*, nowhere occur in the defendants' affidavits from beginning to end. It is fully admitted that it was *intended* to build a

Chapel for Christ Church, and the members of Christ Church who are the defendants in this suit, are almost the only ones who had that intention. They sincerely and earnestly desired to build up a Chapel which should become a benefit to the Old Church. While most of those who have now, most inconsistently, set up this claim for the property, all along disapproved and opposed the idea of having such a Chapel.

The whole history of the affair lies as Mr. Rawle himself says, "in the two words, the undertaking." It was a project, which had not yet been accomplished. Its whole position and status was simply that of a temporary provisional arrangement, until it could be brought into such shape as to be made a *de facto* Chapel, the property vested in the corporation, and the legal position and rights of the Chapel congregation secured. The whole machinery of the Board of Management, was for the purpose of preserving an independent government and control in the hands of the Chapel, and the formation of that Board, was a fraud and a mockery on any other supposition.

Where then is there any inconsistency in Mr. Hodge's affidavit, that "it was from the outset an independent and distinct congregation," "that it never was a component part of Christ Church," "that the connection was merely nominal?" It is in reference to these words "merely nominal" that Mr. Rawle exclaims, "how they"—the defendants—"roll them like a sweet morsel under the tongue," and adds his pious ejaculation, "Oh! Father Abraham what these Christians are!" If Mr. Rawle were the honorary member of an association, in the government of which he had no voice, and from which he received no salary or revenue, would he consider his connection with that body more than nominal? The word was repeated once or twice in the defendants' affidavits, because

though a very patent and self-evident fact, the whole right and justice of the case lay in it, and it was by the complainants persistently ignored.

Again Mr. Rawle exclaims, "with what face can those of the defendants who were members of Christ Church (and there were but one or two, Mr. Carpenter, Mr. Brobson and perhaps one other), come forward and tell us, six years afterwards, that their contributions were unmoved by any consideration of the connection of Christ Church with the undertaking." But Mr. Carpenter and Mr. Brobson never said anything of the kind. That statement occurs only in the affidavits of those who had no connection with Christ Church, and as Mr. Rawle says, *they* constituted almost all the contributors.

Mr. Carpenter and others who had hoped to have built up a Chapel for Christ Church, simply say that they "entirely approve of the incorporation of the congregation as the Church of the Holy Communion," and do not consider that there has been any diversion of their contributions. Their earnest wish was to build a Chapel for Christ Church, and for six years they persisted, in spite of the indifference and hostility of nearly one half of the Vestry, in their pious project.

It was not until they found that the older Church was determined to adopt toward the younger, the same line of conduct, as that adopted by a more august mother still, the Empire of Great Britain towards the American Colonies, that they gave up the undertaking as hopeless. They approved of the incorporation of the Church of the Holy Communion, just as they approved of the Declaration of Independence, as the only way of securing the natural and inalienable rights, which the Chapel congregation were denied. It being in their opinion, as the then accounting Warden of Christ Church said in his affidavit, "unjust and unreasonable to attempt to deprive a

congregation, entirely self-supporting and independent, of the right of self government," and they "did not believe that Christ Church had any just claim to the Chapel property." It was their intention to form a Chapel for Christ Church, but the action of the authorities of Christ Church itself, prevented the completion of the design; and none regretted it more than the gentlemen referred to. They nowhere, or ever, denied that that was their intention and desire. What then is to be said of "a lawyer," not "a clergyman, there might be some excuse for him," but "a lawyer" he, to quote Mr. Rawle's own words, "whose calling it is to clothe thought in apt words, to see that nothing be left uncertain as to precise language conveying precise thought," what shall be said of such an one, not only entirely misrepresenting the actions and intentions of others, but deliberately *interpolating words into a sworn affidavit*, which convey a meaning totally foreign to the intention of the one making the affidavit? This is the second case we have noticed of Mr. Rawle's attributing words to the defendants, which they never wrote nor uttered. And there is still another place in his speech where he represents the statement in the appeal to the Bishop, that the Chapel was built for a congregation "already in existence," as if it meant the congregation of Christ Church. Whereas, the context shows beyond question, that it referred to the Chapel congregation, which had already been collected in Chestnut Street, and Twenty-first Street. What is to be said of such conduct? Is it to be attributed to "ignorance, insanity," *or* to a deliberate intention to convey a false impression?

And what is to be said of his reflection upon Mr. Carpenter's conduct in regard to the deed of trust as "convincing proof" of his being "either not an honest man or a good lawyer," his implying that in leaving out the words "subject always to the

approval and control of the Vestry of Christ Church" from the habendum of the said deed, Mr. Carpenter was acting "artfully," deceitfully, trying to "subserve a different purpose from that supposed by the innocent and unsuspecting people around him at the time?" The paper we have cited above shows beyond question what was the intention and understanding of those concerned *at the time*, in regard to this property, which is confirmed by the uniform action of the Vestry ever since, in never having approved or disapproved, nor taken any action whatever in regard to the resolutions of the Board of Management, until this new claim in regard to the position of the Chapel was set up, since this suit was instituted. If the approval of the Vestry was necessary to give validity to every act of the Board of Management, why was it never suggested even, that the act of the Board purchasing the property in question should be approved by the Vestry? What opportunity was there for the practice of any deception? Who were these "innocent and unsuspecting people" by whom Mr. Carpenter was surrounded? The Vestry of Christ Church, whose rights it is claimed it was sought so grossly to violate, *six* of whom were members of the Board of Management at whose direction Mr. Carpenter was acting, and another of whom was Mr. Rawle's colleague in this case and *the author of the paper referred to above.* Could the latter at least be recognized as so described? Why did he not manifest his jealousy for the interests of Christ Church sooner, and make some different suggestion at least as to the way in which the deed should be drawn "*at the time?*"

It was a public matter, openly executed and recorded, open to every one's inspection these three years and more, and no one has ever before dreamed that there was any violation of the rights of Christ Church involved in it. And to come forward

now and accuse one of the gentlemen who drew that deed of any intention to deceive, is not only an unjustifiable attack upon Mr. Carpenter's personal character and reputation, but it is as gratuitous as it is unwarranted.

The purpose intended to be reached by the deed, of securing the property to Christ Church eventually, "upon proper terms and conditions" to be mutually agreed upon between the contracting parties, and yet in the meantime to retain its disposition in the hands of the Board of Management, may have been very difficult to attain. It may have been impossible to draw a deed for such a purpose.

But to assert or imply, that there was any lack of good faith on the part of the persons having such intention, is simply a gross personal and professional insult, which could advance no purpose, but to create prejudice and produce an injurious impression.

Much stress is laid upon the apparent inconsistency between the words of the deed from McCoy to the Chapel Trustees, and those contained in the paper submitted to the Bishop and Standing Committee, and ignorance, dishonesty or treachery, is imputed to those upon whom the labor of preparing these documents happened to fall, the habendum of the deed containing no words contemplating the control of Christ Church, while the paper referred to avers that the Chapel is to be under the control of the Rector, Church Wardens and Vestrymen of Christ Church.

It is always easy to pick out apparent contradictions in the action of individuals, or bodies, when unforseen circumstances afterwards arise, which could not have been at the time forecast, and in the light of which the language was not guarded.

The paper submitted to the Standing Committee, referred exclusively to the ecclesiastical position of the Chapel, of the

right of Christ Church to establish a Chapel under her auspices, of the ecclesiastical position of the Minister in charge, who was the Assistant Minister of Christ Church, and as such held his ecclesiastical position in the diocese; but it entered into no discussion of the title to the property or how it was to be held, or of what understanding existed between the Church and the Chapel, nor had it the remotest reference to these subjects.

It was held by those who argued on behalf of the Chapel before the Standing Committee, in the matter of the protest of the Church of the Mediator, that Christ Church at that time had the right under the canons of the Church, and the ecclesiastical law, to establish a Chapel wherever she desired within the boundaries of her parish, which included the City of Philadelphia.

The Standing Committee did not admit that this right existed in the Church, but granted permission to establish the Chapel in its present location, on the ground that it would not interfere with the Church of the Mediator.

Christ Church having agreed that the Chapel should be started under its auspices, was jealous of its own rights when those rights were attacked by the Church of the Mediator,* and it was the right to establish the Chapel, the ecclesiastical right, and only that right, that was at all contemplated in the language used in the paper.

The control referred to, was the ecclesiastical control, which Christ Church had by reason of the employment of its Assistant Minister in the work. If the Assistant Minister had withdrawn from the work, or if Christ Church had refused its auspices,

*She was represented at the hearing, by her Rector, who stood upon the rights of Christ Church, but her Vestry took no action whatever in the matter.

the project must have failed. The design was to form what would be ecclesiastically a Chapel. It was this ecclesiastical control which was contemplated.*

No, it will serve as a catch-word, but there is not a soul conversant with the facts, who does not know that it was never intended to mean anything else, and that the attempt to contort its meaning into a statement having reference to the title to the chapel property, is a direct and positive perversion of the truth.

* Of course the turn which affairs afterwards took was entirely unlooked for. The hope that the two congregations would eventually be united, was the motive spring in the part taken by Mr. Carpenter, as well as the other members of Christ Church who were interested in the enterprise. It is therefore illiberal, unfair, and untrue, to impute to these gentlemen under-hand motives, and an intent to create a new parish under cover of the pretention that it was to be a Chapel for Christ Church.

The effort for the formation of a new parish was never made, until it became evident to the Chapel congregation, that the action of the Vestry of Christ Church, in sustaining the arbitrary demand of the Rector for the resignation of the Minister in charge, in paying no attention to the unanimous protest of the Chapel congregation, and in refusing to listen even to the form of compromise suggested by the Bishop, was of a nature that utterly precluded a happy union of the Chapel with the Church. Let it be borne in mind that there had never been the slightest hostility shown by the Chapel toward the Church, nor was there any such feeling in existence on the part of the Chapel congregation, until the open breach occurred, most unnecessarily brought on by the act of the Rector of Christ Church. When this unhappy and unlooked for event took place, the congregation of the Chapel fell back upon their rights, as they understood them to exist, rights which although they were presumed to exist, it was never expected that there would be occasion to assert, and endeavored to erect themselves into a parish.

Mr. Carpenter has never denied, but on the contrary freely admits that so far as he was concerned, he never had a single thought in the interest awakened in him, in the money expended or in the time and labor given towards this Chapel, that did not look to the future benefit of the old Church. There was every reason why his interest, and that of his family, in Christ Church, should be strong. One of the founders of the Church in 1695 was of his name and blood. The very title to the ground upon which the Church is erected, was taken in the name of Joshua Carpenter, who contributed largely to the funds for its purchase in 1695, and the title stands in his name to this day. While Mr. Carpenter's close connection by marriage with the late Rector, increased an interest in the Church and its affairs, already great. It is nevertheless strictly true that it was not intended either by the Vestry of Christ Church, or by the Board of Management of the Chapel, that the title to the property should be *in any way* vested in the old Church.

The very most that was expected by those who had the project at heart was, that in the future there might be an agreement between the Church and the Chapel, by which the congregations of both should have equal rights, which it was hoped to accomplish by an amendment to the Charter of the old Church, or in some other way, and that by that time the Chapel would be free from debt, and thus an amalgamation of the two congregations be made, and the title to the property held by the common Corporation.

That time had not arrived. No agreement having been made as to conditions, &c., between the Church and the Chapel, and the action of the authorities of Christ Church having so estranged the Chapel congregation, it became evident that the future union of the two congregations was hopeless.

To whom then, in all honesty and fairness, should the Chapel property have belonged, when it became evident that the two congregations could not unite? To the Clergyman and congregation who had built it, or to the Clergyman and congregation who neither had, nor would nor could have, erected it themselves?

Could it have been expected that the Chapel congregation would tamely submit to the effort of the Rector, peremptorily to remove the Clergyman by whom they had been collected, and under whom they had been prosperous and contented, and thrust another in his place, without the slightest consultation or regard of their wishes? Such an attempt on the part of the Rector was only possible, because both the Clergyman and congregation of the Chapel had, as it is has proved, too confidently left their interests without proper legal safeguards; but at least it was never stipulated or intended that the Chapel should be subject to such treatment.

And in the light of all this, where was the inconsistency in swearing to the truth, that the words "subject always to the approval and control of the Vestry of Christ Church," were purposely and with deliberate intent, excluded from the habendum of said deed? It was the absolute truth, and the position thus taken, regarding the property of the Chapel, was not in the slightest degree inconsistent with the ecclesiastical position of the Minister in charge, and his right to officiate "under the auspices" of Christ Church, which had been pressed before the Standing Committee.

Mr. Rawle endeavors to counterbalance his implications in regard to Mr. Carpenter, by saying that he is a gentleman for whom he has "great respect and esteem," that he believes him "to be a man of incorruptible honesty and knowledge of his profession," and that he does "not intend that his belief that

he is an honest man and a good lawyer, shall be shaken even by his own affidavit."

Mr. Carpenter cordially reciprocates these sentiments, and on his part as emphatically declines to believe that Mr. Rawle entertains any such opinions as his printed speech, in spite of his profession to the contrary, would lead others to think that he holds.

So too, Mr. Rawle ventures to tell Admiral Fairfax that in informing the Rector of Christ Church, that he could not be admitted to the Chapel until he had established his claim by a legal process, he was doing that which if he had done to a vessel of the navy, he would have been "hung to the yard arm." Is an Admiral, who has "been in the service of the navy for forty-two years," and who has been actively interested in Church matters for almost as long, and who has yet to be accused of any action derogatory to his personal or professional character, not quite as likely to be acquainted with his duty both in Church and State, and to have quite as high a sense of honor, as a barrister, whose knowledge of naval and ecclesiastical matters is equally superficial, and who has no hesitation in trying to defame the character of others? Admiral Fairfax would simply answer Mr. Rawle, by saying, that if his clients had followed in this matter the ordinary rules of "the navy," which do not allow a man to be cashiered before he has had a patient hearing and fair trial *before his peers*, all this sad scandal and trouble Mr. Rawle professes to deprecate, but which he has done so much to augment, would never have happened. Mr. Rawle even goes so far as to threaten that "upon a possible future occasion in this or some other court," Admiral Fairfax may be called upon to answer for his conduct in this matter, which is certainly audacious in one who has so much more laid *himself* open to an action for libel.

So again Mr. Rawle represents the conduct of Mr. Hodge in this matter as "closely parallel" to that of General Arnold, and presumes to accuse him of violation of his duty to his Bishop, and of treachery, it is presumed he means, to the Rector of Christ Church. He represents him as "remaining at the Chapel," "faithlessly and disobediently" to the Bishop, after the resignation of his position of Assistant Minister of Christ Church. And what ground is alleged for so grave an imputation upon his professional honor? Simply, that on the day after the taking effect of his resignation, the Rector of Christ Church was denied admittance to the Chapel by certain *Lay Members of the Chapel congregation.* Mr. Hodge did not "remain" at the Chapel, nor has he ever pretended that he had any connection with the Parish, since the taking effect of his resignation. He went out of the Chapel on March 9th, and did not return until April 4th, *after* the congregation had severed, as he believed and was advised they had a perfect right to do, all connection with Christ Church, organized themselves as the Church of the Holy Communion, and elected him as their Rector. He was not within the building at the time of Dr. Foggo's demand of entrance, as Mr. Rawle so unwarrantedly assumes, and for which he never has had the slightest particle of evidence, nor did he instigate, plan, or have any connection with, or responsibility for, the action of the congregation in excluding the authorities of Christ Church from the property.

That was the spontaneous motion of the congregation itself, in defence of what they believed to be their just rights. Mr. Hodge had nothing whatever to do with the congregation, from the time he ceased to be Assistant Minister of Christ Church, until he returned at its unanimous request, in an entirely new and distinct official capacity. Is Mr. Hodge then a Benedict Arnold, or is Mr. Rawle a false witness, deliberately

portraying, and attributing guilt, which he has not a scintilla of evidence to support? He says, "we are not told where the late assistant was" during this period, "*perhaps* he was within the building," and on the ground of his own foundationless "perhaps," represents him as a Benedict Arnold, and St. Peter denying his Lord.

Mr. Rawle *knew* that the services at the Chapel from March 10th to April 4th were conducted by lay readers, and that Mr. Hodge never appeared, nor has been shown to have had any relationship with the congregation during that time; and had any concerned been asked, they would have exonerated him from any responsibility in their actions. What was just and right in them, their premises being correct, would have been highly improper in him, no matter how unfairly he had himself been treated. How unjustifiable then in Mr. Rawle, with such care and elaboration, to manufacture this imputation to cast upon him Whatever personal vindictiveness there may be on the part of a client, we had supposed that no attorney of standing, could be engaged to undertake the unenviable task of endeavoring to blacken character, in order to gratify it.

But Mr. Rawle does not seem to be able to utter two consecutive sentences without doing so. He will not even allow to the counsel for the defendants, learned and distinguished members of his own profession, the ordinary honesty and common sense, which it would have been presumed he would expect to have been accredited with himself. He says, "I do not *choose* to believe, that my learned friends, or any one calling himself a lawyer, ever counselled the wicked and silly course which these defendants plotted to take." Which is simply an artful way of saying that counsel, who have certainly quite as good a reputation as Mr. Rawle for honesty and learning, are "wicked and silly." If this is to be the language lawyers are to use,

then if one says he does not *choose* to believe a word Mr. Rawle says, the latter will be bound not to regard, nor resent it. He does not leave a stone unturned by which he may cast a reflection or excite prejudice. He points out that the counsel for the defendants, also appeared as counsel for St. Clement's Church, before the Standing Committee. Which is tantamount to saying, "see, these gentlemen *once* had clients who are assumed to have been in the wrong, therefore it is manifest that these present clients are equally wrong." This is a fair specimen of the logic of this gentleman's speech from beginning to end.

In the same spirit he pretends to represent, that the choice of a naval officer and a physician, to meet the party from Christ Church demanding possession of the Chapel, was on account of the acquirements of the one for battle, and of the other to bind up the wounds that should be inflicted. He calls the continued use of the communion plate by the congregation after this date, as "carrying it off as *booty*." And he describes the whole spectacle as "one of sadness and sorrow to the believer, and one of pride and exultation to the disbeliever." Will it be impertinent to inquire whether Mr. Rawle acknowledges himself as belonging to the former class? If not, his feelings then in regard to the matter must be those of the latter, which will account for his persistent and systematic efforts to put every thing in the worst light possible, and to attribute to the actors all the bad motives he can imagine, so as to increase the enjoyable feelings experienced of "pride and exultation."

In the same way he reflects upon Mr. Hodge's professional standing, in saying that "his ignorance of ecclesiastical law is shown in the tenth section of his affidavit," and in open court he added, "every statement in that section, is as untrue

as it can be." Mr. Hodge defies Mr. Rawle to support such an assertion. He defies him to point out a single law of the American Church, and they are the only laws that are certainly applicable, giving a Rector the rights that are claimed. There is simply no legislation on the subject. And Mr. Rawle has not attempted to show that there is. He falls back upon *cases* of Rectors who *claim* that they have those rights. But in one of the cases he cites, that of Trinity Church, New York, the position and rights of the Rector in regard to the Chapels are carefully laid down in the charter of that particular Church, and in the other case that of Grace Church, New York, the property of the Chapel was invested in the corporation of the Church, and the position of the Minister in charge defined at the time of his appointment. But Mr. Rawle says, the defendants have themselves pointed to these very cases, in their communication to the Bishop and Standing Committee, as "similar" to their own. True, but because things are similar in *some* respects, does it follow that they are in *all?* Mr. Rawle, and the counsel for the defendants are similar, in that they are all lawyers, but the latter gentlemen would doubtless be very sorry to be thought similar to Mr. Rawle, in the use of the language he indulges in or the artifices to which he resorts. Christ Church Chapel and the Chapels of Trinity and Grace Church, New York, were similar in that they were Chapels, but they were very dissimilar in regard to the *kind* of Chapels they were.

In American Church legislation the existence of Chapels is acknowledged, but the differences of kind are no where referred to, nor are the relative positions of Chapels and Churches in any case, defined. But the same differences of kind obtain here as in England, and it is upon English law that, in default of any American, Mr. Rawle falls back. Here

as in England, there are many cases of Chapels in outlying districts of Parishes, where service is held in the afternoon or evening, when the clergy are not required in the Parish Church, but where the sacraments are seldom if ever administered, and where there is no separate cure of souls. Such Chapels correspond precisely to the description of a "Chapel of ease" as given in the complainants' own brief. But there are also other Chapels which differ from these, in that they have "a *permanent minister of their own*," in which the sacraments are administered as in a Church, and which have a separate and distinct body of members, communicants, &c, these correspond as exactly to the complainants' description of "a parochial Chapel," which is spoken of as one of practical independence. And Christ Church Chapel was such as these. But in spite of the evident facts of the case, it is *assumed* on the contrary, that it was a Chapel of ease, and Mr. Hodge is represented as "ignorant of ecclesiastical law," and making a false affidavit, because he denies that such was its position and character. Mr. Rawle acknowledges that "the words Chapel of ease *nowhere appeared in any part* of the history of Christ Church Chapel." But no matter, he has induced several of the original contributors to swear, that when making their subscriptions they "intended them to be used for a Chapel of ease as an integral part of the old Parish," and when the manifest inconsistency is pointed out, Mr. Rawle's answer is, "there is no magic in words." If Mr. Rawle were to have applied to him some epithet highly derogatory to his personal dignity and honor, would he consider then that there was "no magic in words?" The designation Chapel of ease, means a definite thing, and every one who is not "ignorant of ecclesiastical law" or willing to swear to

anything his lawyer tells him, knows that it does not describe the case in hand.

It may be that there are but few Chapels, perhaps not another in this country, as absolutely independent of the Mother Church as this was. But that does not alter the law. There are plenty of such Chapels in England, and it is of English law, running back to "the days of the Saxons," that Mr. Rawle speaks. And the great principle involved is, that where there is *a separate cure of souls and entire financial responsibility*, there should be practical independence allowed.

Mr. Hodge's position was similar to that of a Perpetual Curate in England, who is not under the control of a Rector, and though he never asserted the claim as long as it was *practically* admitted, he can be hardly expected to sit still and be told he is "ignorant of ecclesiastical law," and swears falsely, because he has stated he knows no law inconsistent with that position. It is violation of the most fundamental principles of justice and equity, to pretend that such a Chapel as this one, was in a position of absolute subserviency, had no more rights than a slave. No law can be found in support of such an anomaly.

How true is the axiom, that he who is continually accusing another, is very likely to be guilty himself. Mr. Rawle is never tired of accusing his opponents of "swearing boldly, glibly, ignorantly," of saying "not only was black white, but all the colors of the rainbow by turns," and yet what language could more fitly describe the conduct of himself and his client?

"CONFESSION."

But to turn now from these personal reflections in connection with these allegations of "secession," the Rev. Mr. Hodge must notice a still graver reflection made upon him in regard to the matter of "confession" Mr. Rawle makes a deliberate and strenuous attempt to represent Mr. Hodge as guilty of evident violation of the doctrines and discipline of the Church of which he is a clergyman, and makes assertions, which if true, would seriously injure his professional character and reputation. And his action is all the more reprehensible, from its being entirely uncalled for. What had this question to do with the legal aspect of the case, with which alone the court was concerned? Had not Mr. Rawle pledged himself to avoid all such questions? Had he not himself called the judges to witness in the opening of his speech, how in "their brief they had carefully abstained from anything which might tend to excite or inflame?" Did not his colleague distinctly say in his speech, "Your Honors have, no doubt, observed that no suggestion of differences in faith has been made in the case shown by the bill; and *we do not now ask for the decision of any question involving religious tenets?*" There was a deliberate and artful effort made, to convey the impression, that all questions not strictly legal would be excluded from the case, *until* the very last speech was reached, and there was no opportunity for his counsel to reply, when this most exciting, and inflammatory of all questions was lugged in, to create prejudice and cast discredit upon the defendant.

And this course was entered upon with full knowledge of the defendant's position in regard to the matter. On Sunday, February 8th, in announcing to his congregation the fact of his resignation, Mr. Hodge had made a distinct statement of

his theological belief on this question. He quoted the language of a recent pastoral letter of the whole House of Bishops in reference to private confession, surely no mean authority, and said, that language, expressed his whole belief in regard to it, that he believed "no less and no more." That statement was widely printed in the public papers, Mr. Rawle himself refers to it. And yet, it is wholly ignored, and Mr. Hodge persistently represented as a law breaker and disloyal.

A clergyman is entitled to trial on ecclesiastical matters before those of his own order, and theological questions are peculiarly difficult to treat, and yet every layman and woman without any special education, considers himself or herself thoroughly competent to judge of them. So a lawyer who has "over and over again drawn a bill late at night" upon a subject he had never looked into before, ventures at once "glibly" to decide, perhaps the most delicate question of intrepretation in regard to the Anglican formularies, and to do his best to blast the professional reputation of a clergyman, in order to advance the interests of his clients. And what is his excuse for bringing in this question? Because "it was proper for a court to see that the action of a corporation in the expulsion of a member was for a proper cause." But that was not the question before the court. Mr. Hodge would have been very glad if it had been. Mr. Hodge had resigned. Years before, with a sense of honor hardly compatible with the protection of his own interests, Mr. Hodge had voluntarily told the Rector of Christ Church, that he would of his own accord resign, if he could not work in harmony with his Rector. And Dr. Foggo's request for his resignation was simply based upon an allegation of want of harmony. Dr. Foggo has never ventured to suggest that Mr. Hodge had violated the doctrines or discipline of the Church, or committed

any offence which could lay him open to canonical censure. And both he and Mr. Rawle knew, that there was not a court in Christendom, in which he could be shown to have done so. And yet, the deliberate effort is made to *create that impression*, and when there was no such question before the court. The question was simply upon the legal right of the corporation of the Church of the Holy Communion, to the possession of property claimed by Christ Church, and the cause of the resignation of the former Assistant Minister of Christ Church, had nothing whatever to do with the matter. And no one knew that better than Mr. Rawle.

And yet, he brings it in. And having brought it in, he alleges that "the course which led to the severence of the pastoral tie of Mr. Hodge, was almost the gravest of all causes, namely, the introduction into a Protestant Church of one of the most dangeous doctrines and practices of the Church against which we protested."

Does Mr. Rawle *mean* to say that Mr. Hodge has advocated or tried to introduce the Roman Catholic doctrine in regard to confession? If so, then he is distinctly slandering him. Or is he so ignorant of ecclesiastical doctrines and history, that he imagines that there is no other doctrine in regard to it than the Roman Catholic, or that it is unquestioned that the Anglican Church does not allow it in any form? If so, then he is injuring Mr. Hodge as much by creating that impression in the minds of others who are equally ignorant, without having properly informed himself on the subject.

It has never been alleged that Mr. Hodge has himself ever been in the habit of hearing confessions, or of urging people to confess. It is acknowledged that he did "not wish any sermon to be preached on the subject in the Chapel, for fear of misunderstanding, and that no such sermon had been preached."

He had stated distinctly that his own views on the subject coincided precisely with those enunciated by the whole House of Bishops, and nothing has been shown in his teaching or practice contrary to those views, or contrary to the teaching and practice of the Rector of Christ Church himself. Of what then is he accused?

What is this "almost the gravest of all causes, on which the expulsion of a member of a corporation could be based," of which Mr. Rawle professes to show that Mr. Hodge was guilty? How far can he be said to have "introduced" confession in any form? All that can be said, is that he allowed the Rev. Mr. Percival, a clergyman associated with him by appointment of the Rector, and to whom he had committed the distinct care of a portion of the congregation, the ordinary discretion and liberty which belongs to every clergyman having a cure of souls, the liberty of giving in his private intercourse with those members of the congregation who were in his special charge, such advice and instruction as he saw best.

If it could have been shown that Mr. Percival had gone beyond the bounds of discretion allowed by the Church, or had done anything to abridge the liberty she allows her members, then Mr. Hodge, as well as himself, might have been called to account. Though even then, it is certainly a question how far the former could be held responsible; the appointment of Mr. Percival to his position having been specially claimed by the Rector as his right, and been made by him.

But the only thing that is alleged, that would be such a violation of the liberty of the Church, is the statement made by Mr. Rawle that a person "was refused the sacrament of the Holy Communion until she should first have made confession to Mr. Percival." This statement first appeared in Dr. Foggo's "His-

tory of recent events in Christ Church Parish." It was made *after* the distinct disavowal by Mr. Hodge on the part of himself and Mr. Percival, of ever having insisted upon, or taught the necessity of confession, even as a duty. The accusation against Mr. Percival was made by Dr. Foggo over his own signature, without ever having asked either of Mr. Hodge or Mr. Percival any explanation of the facts of the case, or having personally investigated them. Immediately after its publication, Mr. Percival wrote to Dr. Foggo positively denying the truth of this statement, and elaborately explaining the circumstances which had given rise to it. They were simply that he had said to a young woman who had been confirmed at the Chapel, but who had been prepared for confirmation in another Church, and with whom he was but slightly acquainted, that before she came to the Holy Communion he would like to have a conversation with her, and she *supposing* he meant that he wished her to make a confession, said, or is reported to have said, that he *refused* to admit her to communion until she had confessed. This letter Dr. Foggo has not only never taken any notice of, but when he came, weeks afterwards, to make his sworn affidavit in this case, he attaches a copy of his pamphlet to that affidavit, and swears that every thing in it is true to the best of his knowledge and belief. Mr. Rawle repeats the statement, and this gross accusation against a clergyman, which would be an unquestioned violation of the discipline of the Church, is again published and given to the world, and Mr. Hodge is impliedly held responsible for it.

Mr. Rawle evidently is not sure of the truth of his assertion, for he says, "it is argued that the evidence was not as complete as it should be," and asks if a man owning "a powder magazine were informed that his superintendent was in the habit of smoking in it, would he be very exact and precise to weigh in

golden scales the testimony?" What the similarity between Christ Church Parish and a "powder magazine" is, we cannot tell, unless it be in the explosive nature of the temper of several of the persons concerned in this affair, but in regard to any matter involving personal reputation, and personal rights, *most* persons agree that the evidence should be well weighed before any accusation is brought. Mr. Rawle does not think so. How competent is he then to speak as he so confidently and flippantly does of matters involving personal character, of grave doctrinal and delicate spiritual questions, of the relationship and duty of a clergyman to his charge, and of one clergyman to another?

Setting aside therefore this absolutely false accusation,—which a clergyman was guilty of bringing against a brother clergyman, in the first instance without weighing the evidence, and of repeating after its distinct denial, and which is again reiterated by his lawyer, and published to the world,—the only thing of which Mr. Hodge can be accused, is of not *prohibiting* Mr. Percival from *recommending* confession, to some of the parishioners who were his special charge.

But holding as Mr. Hodge does, he believes, in common with a large majority of the Bishops and clergy of the Anglican Communion, that the Church *allows* confession, and even in certain cases recommends it, what right had he to say that Mr. Percival should not do so?

If the Church allows confession, as to Mr Hodge's mind is evident, from the express words and history of her formularies, and the authority of many of the most eminent and illustrious of her theologians, who has a right to curtail that liberty? And who is to determine precisely the cases and circumstances in which it may be recommended and employed? To whom does discretion in the matter belong, but to each individual

clergyman, or his Bishop? Some all confident women and dogmatic lawyers may be ready indeed to assume to themselves Episcopal functions, and confidently pronounce that not allowed in the Church, which a *catena* of most respectable Anglican divines, from the Reformation to the present day have advocated and practiced, but Mr. Hodge confesses that he shrinks from assuming such a responsibility. He may himself think it unwise and inexpedient to advocate its use, but that is a very different thing, from saying to those who desire to use it, you shall not. And it is only for not being guilty of this intolerance that Mr. Hodge can be blamed.

And as Mr. Rawle gives Mr. Hodge credit of being willing "rather to go to the stake than do one thing which he knew in his inmost soul to be wrong," would it be an impossible stretch of charity, to credit him with having acted in this matter from a consciencious sense of duty and spiritual responsibility, and of fearfulness of presumptuously interfering with the work of God in any soul? No, Mr. Rawle is not capable of that charity. His opinion of those "who profess and call themselves Christians" is such, that he is not capable of believing that a Clergyman could be actuated by intelligently conscientious motives. He is not capable of believing that the prejudices of his education, on a subject he has never himself studied, may perhaps be overstrained. He "*chooses* to believe" that the Anglican Church knows nothing whatever of confession, that confession in any shape is a crime, and that a clergyman who does *not interfere* with another clergyman practising it, is himself guilty of a crime of the greatest enormity. He bombastically declares the conduct of Mr. Hodge "exactly parallel," to that of Warren Hastings in inflicting torture upon his Indian prisoners.

Mr. Rawle's assertions may possibly impose, upon those who

are ignorant of the formularies and comprehensiveness of the Church, but they scarcely can deceive any really intelligent Churchman.

But whether Mr. Hodge was right in his position or not, it was not a question for Mr. Rawle, and the women who furnished him with the evidence he was so afraid to "weigh in golden scales," to decide. A clergyman is answerable in such matters to his ecclesiastical superiors, not to the laity. And if even the Rector of Christ Church had gone, as Mr. Rawle says he did, which he did *not*, * to the Assistant, and allowed him to state his position, they certainly could have come to some agreement, or at least peaceably parted. If that gentleman thinks he has advanced the cause of which he is the advocate by the course he adopted, it is doubted whether even Mr. Rawle himself would agree with him.

Leaving this subject which was so wantonly introduced for

* The Rector informed the Accounting Warden that he had determined to demand the resignation of the Minister in charge of the Chapel. That gentleman begged him before doing so to send for the Assistant and endeavor to come to an understanding with him. This he *refused* to do. A few moments afterwards, most unexpectedly to the Rector, Mr. Hodge chanced to enter the Church where he was; a conversation of some three hours length ensued; confession was referred to, but to the close the Rector refused to discuss it, or to try to come to any understanding with the Assistant. He told the latter that he had determined on a course of action, but not until three days after, did Mr. Hodge learn that that course was to demand his resignation. So little did confession form the substance matter of that conversation, that it is now impossible for Mr. Hodge to understand Dr. Foggo's position in regard to it. From all his knowledge of him previous to this event, he had supposed that Dr. Foggo's position in regard to it was identical with his own.

the purpose of "exciting and inflaming," Mr. Hodge, as a clergyman, feels that he cannot close, without reproving Mr. Rawle for the exceedingly light and improper use he makes of the most sacred language and passages of Scripture. His whole speech is an irreverent medley of quotations from the Bible, and Pinafore, the Prayer Book, and Penzance His apparent familiarity with Scripture is so great, that in almost every sentence, no matter how incongruous or irrelevant it may be, he falls into the use of its language almost as naturally as Mr. Wegg "dropped into poetry," but with scarcely a more felicitous effect. Not only is he guilty of this constant unseeming use of sacred phraseology, but he grossly violates an universally accepted axiom among theologians, that no passage of Scripture which distinctly refers to God, or our Blessed Lord, should be applied to any one else, in using the Parable of the Sheep-fold, which our Lord has himself interpreted in saying, "I am the Good Shepherd," "I am the door of the sheep," as illustrative of the Rector and Parish of Christ Church. A very unfortunate illustration, even if it were proper, as the passage goes on to show that the proof of the right of the Shepherd to the sheep, is that "they hear his voice and follow him," and "to Him the Porter openeth," without the necessity for the intervention of a court of equity to constrain. Again Mr. Rawle has the audacity to compare the relationship of the Minister in charge of the Chapel to the Rector of Christ Church, with that of "St. Peter to *His* Master."

As Mr. Rawle kindly excuses Mr. Hodge for the alleged inaccuracies of his affidavit, on the ground of his "thinking less of things temporal than things eternal," he supposes that he will be expected to excuse Mr. Rawle for his unwarranted, not to say blasphemous, use of Scripture, on the ground of his thinking more of things temporal than of things eternal, and so not able

readily to grasp or appreciate the true meaning and force of language relating to eternal things But such use of sacred language can only disgust, and had it been simply the verbal utterance of an advocate in a court, it would have been treated with the silent contempt it deserves. But being deliberately published, it becomes part of one of those "written instruments" which Mr. Rawle himself thinks so much more binding than ordinary speech, and requires unveiling and rebuke.

The next time Mr. Rawle feels inclined to indulge in similar language, we should advise him not to allow any desire for notoriety of himself or his colleague, or any vindictiveness on the part of his clients, to induce him to consent to its publication.

And now we gladly finish this disagreeable task which we should never have taken in hand if it had not been forced upon us. We have no taste for handling these personalities. We would rather think well of others, even when it is difficult to do so; we have even suffered as far as possible ourselves, when wrong has been attributed to us, without replying; and we have adhered to our resolution of not retaliating. In all this matter we have acted on the defensive. We have been assailed. We have, we believe, been robbed of the fruit of our labors and contributions. A prosperous and zealous congregation has been broken up, and turned out of a building its own offerings erected and supported, and we submit. But when it is sought to rob us of our reputations as well, to that we cannot submit. Still we have not assailed as we have been assailed. Our opponents *know* that we have spared them where they were most vulnerable. But if this controversy is to be prolonged, we are prepared to meet every attack. We try however still, as at the beginning, to attribute what has been done to the result of prejudice, misconception and ignor-

ance of the true interests and issues involved, or to the mere striving after effect on the part of an advocate, in order to gain a case in which he is employed. The latter we can forgive, after we have exposed the untrue and unjustifiable nature of his assertions, on the supposition that he does not mean what he says. For the others who have more deeply injured us, we can only pray that they may come to realize the wrong which they have committed, and do what still lies in their power to remedy the mischief they have caused.

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J. EDWARD CARPENTER.